

**Town of Milton**  
115 Federal St  
Milton, DE 19968



[www.milton.delaware.gov](http://www.milton.delaware.gov)  
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## **RESOLUTION 2015 - 010**

### **A RESOLUTION TO REQUEST AN AMENDMENT OF THE CHARTER OF THE TOWN OF MILTON RELATING TO ITS ENUMERATED POWERS.**

**WHEREAS**, Section 29 of the Town Charter identifies the enumerated powers vested in the Town Council of The Town of Milton; and

**WHEREAS**, The Town Council wishes to revise Section 29 to accomplish three purposes: 1) remove a limitation on its ability to adopt appropriate zoning and construction regulations for areas specifically near ponds, lakes, and rivers; 2) change the specific dollar amount limitation on the Town's funds levied and collected from real property taxes to a percentage, in order to allow continued growth; and 3) remove a potential ambiguity between the Town Charter and the Delaware Code regarding the limit on the Town's realty transfer tax;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Milton that a proposed amendment to Section 29 of the Charter of the Town of Milton be requested for passage by the Delaware State Legislature, with additions shown by underlining and deletions shown by strike through on the attached draft Bill, incorporated by reference.

**BE IT FURTHER RESOLVED**, that the Mayor or her designee is authorized to forward the original Resolution or a copy thereof, along with the draft Bill for introduction and whatever documentation may be required for the Town's State Senator and Representative, with a request to introduce said Bill to the General Assembly at the soonest possible time in the current Legislative session.

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### **SYNOPSIS**

The Resolution requests that the Delaware State Legislature amend the Town's Charter.

Section 1 of the proposed bill removes a limitation on the Town's ability to adopt appropriate zoning and construction regulations for areas specifically near ponds, lakes, and rivers. The Town has adopted via ordinance construction and zoning regulations, with the latter being authorized in Chapter 3, Title 22 of the Delaware Code without the limitation presently in the Charter.

Section 2 of the proposed bill involves the limit on the amount of real property taxes that the Town may levy and collect. Specifically, the bill substitutes a percentage for the “hard cap” of \$1,000,000. This is in recognition of continued growth and development adding to the taxable base, as well as the increase in property values reflected in the last Town-wide assessment. These developments have contributed to the Town approaching the \$1,000,000 mark, which functionally serves as a limit on the Town’s ability to allow continued growth.

Section 3 of the proposed bill resolves a potential ambiguity between the Town Charter and Chapter 16, Title 22 of the Delaware Code. The Charter currently limits the Town’s realty transfer tax to half of the State’s transfer tax. Thus, under the Charter, the Town would be allowed to collect a transfer tax of .75%, because the State collects a tax of 1.5%. However, Title 22, Section 1601 of the Delaware Code authorizes municipalities to collect a transfer tax not be greater than 1.5% of the value of the real property. The bill incorporates by reference the 1.5% limitation from the Delaware Code.

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**I, THE UNDERSIGNED**, Secretary of the Town Council of the Town of Milton, do hereby certify that the above resolution was passed at the meeting of the Town Council, duly called and convened, held on the \_\_\_\_ day of \_\_\_\_\_, 2015, at which a quorum was present and voting throughout and that same is still in full force and effect.

**TOWN OF MILTON**

**BY:** \_\_\_\_\_  
**SECRETARY OF TOWN COUNCIL**

**DATE:** \_\_\_\_\_